

STATE BOARD MEETING DATE

December 8, 2008

SUBJECT: Consideration of Certificate Review: **Marcia Garcia-Freaner**, Case No. **C-2008-065R**

SUBMITTED BY: Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education

MANAGEMENT TEAM REVIEW: November 13, 2008

BACKGROUND INFORMATION:

Marcia Garcia-Freaner applied for a Substitute certificate on February 11, 2008. On her application, she disclosed that she had been arrested for an offense for which she had been fingerprinted. She revealed that on July 1, 1994, she was arrested and charged with the offense of willful neglect of a minor/child endangerment.

Ms. Garcia-Freaner was advised that her application required a review by the Professional Practices Advisory Committee (“the PPAC”) of the State Board of Education (“the State Board”).

On October 14, 2008, the PPAC conducted a review of Ms. Garcia-Freaner’s application. In reaching its recommendation, the PPAC considered the following:

- Ms. Garcia-Freaner stated that at approximately 9:30 p.m. on July 1, 1994, she left her three-year old son asleep in her vehicle while she went into a bar. She said she was delivering some food to a friend who worked as a bartender. She stated that it was not her intent to drink or to stay in the bar for more than a few minutes. While she was in the bar, her son awakened and exited the vehicle. Someone called the police when her son was found wandering in the alley.
- Ms. Garcia-Freaner was convicted of endangering the health of a child and placed in a diversion program. She successfully completed the program.
- As a result of this incident, on August 27, 1997, the California Commission on Teacher Credentialing (“the Commission”) issued a “public reproof” against her teaching credentials. The Commission found that Ms. Garcia-Freaner had been inside the bar for approximately forty-five minutes. It also found that this was the only known incident of misconduct by Ms. Garcia-Freaner.
- From 1997 through April, 2006, Ms. Garcia-Freaner was employed as a teacher in various public and charter schools in California and in Arizona.
- Her son, now age seventeen, has no recollection of the incident.

The PPAC made its recommendation based upon the following:

Mitigating factors:

- Elapsed time since the incident
- Lack of any other criminal conduct – either before or after the incident
- Retained custody of child – child not removed from home for a significant period of time
- Strong letters of recommendation from professional educators
- Child is a thriving young adult

Aggravating factor:

Seriousness of the conduct which supported the charge

**BOARD ACTION REQUESTED: [] INFORMATION [X] ACTION/DESCRIBED
BELOW:**

That the Board accept the findings of fact, conclusions of law, and the recommendation of the PPAC and **grant** Marcia Garcia-Freaner's application for certification.

ATTACHMENTS: YES [X] NO []